

Attorney Docket No.: 120541-1013

PATENT

Applicants have amended the Specification to provide the current status of U.S. Patent Application Serial No. 08/864,224.

Applicants believe that the present amendments to the Specification place the Application in condition for allowance, or in better condition for appeal (with respect to the Specification) and do not introduce new subject matter. Applicants, therefore, respectfully request entry after final of the amendments to the Specification.

Claim rejections – 35 U.S.C. § 112

Claims 7-12 and 19 were rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor had possession of the invention at the time the application was filed because the Sequence listing and the sequences identified in the claims were in conflict.

Applicants have amended Claims 7, 8 and 10 so that the correct sequences of the Sequence Listing are now identified in the Claims. Applicants believe that the present amendments to the claims place the Application in condition for allowance, or in better condition for appeal and do not introduce new subject matter. The other rejected claims depend from the amended claims, and therefore are also believed by Applicants to be in condition for allowance. Applicants, therefore, respectfully request entry after final of the amendments to the claims. Accordingly, Applicants respectfully request reconsideration by the Examiner, withdrawal of the claim rejections under 35 U.S.C. § 112, first paragraph, and advancement of the Application to allowance.

Claim rejections – 35 U.S.C. § 102

Claims 7-12 and 19 were rejected under 35 U.S.C. § 102(f).

Subsequent to a telephone interview between the Examiner and the Applicants' representative, the Examiner withdrew the claim rejections under 35 U.S.C. § 102(f). The claim

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rejections under this grounds having been rendered moot, Applicants do not submit remarks with respect thereto.

CONCLUSION

Applicants respectfully request entry of the amendments after final. The Amendments place the claims in condition for allowance or in better condition for appeal and do not introduce new subject matter. In view of the foregoing amendments, remarks and supporting declarations, it is respectfully submitted that this Application and all pending claims therein are in condition for allowance and such is courteously requested.

Respectfully submitted,
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Date: May 11, 2001

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In re Application of: Stephen J. Elledge

Serial No: 09/488,364

Filed: January 12, 2000

Examiner: B. Sisson

Entitled: "MAMMALIAN CHECKPOINT GENES AND PROTEINS"

Specification marked-up in accordance with Rule 1.121(c):

--described in co-pending U.S. Patent Application Serial No. 08/864,224, now issued as U.S. Patent No. 5,851,808, - -

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In re Application of: Stephen J. Elledge
Serial No: 09/488,364
Filed: January 12, 2000
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Entitled: "MAMMALIAN CHECKPOINT GENES AND PROTEINS"

Claims marked-up in accordance with Rule 1.121(c):

7. (AMENDED) A purified protein encoded by the nucleotide sequence of [Claim 1] SEQ ID NO: 3.
8. (AMENDED) A purified protein comprising the amino acid sequence set forth in SEQ ID NO: [3] 1.
10. (AMENDED) The fusion protein of claim 9, wherein said Chk1 protein comprises at least a portion of SEQ ID NO: [3] 1.